

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Elmen, et al.	Art Unit	: 1635
Serial No.	: 10/587,775	Examiner	: Louis Wollenberger
Filed	: June 10, 2008	Conf. No.	: 5202
Title	: MODIFIED SHORT INTERFERING RNA (MODIFIED SIRNA)		

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT MAILED JULY 1, 2010

This is in response to the restriction requirement made in the action mailed July 1, 2010. Applicant understands that the Examiner is making a request for election of species in five areas overall as follows:

- 1) The identity of the sugar moiety that differs from ribose
- 2) The location of the sugar moiety that differs from ribose
- 3) The identity of the non-RNA nucleobase
- 4) The location of the non-RNA nucleobase
- 5) The location of the internucleotide linkage group that differs from phosphate

Previously, Applicant elected LNA as the sugar moiety that differ from ribose and position 10 as the location of the sugar moiety that differs from ribose. Applicant now elects 1) LNA as the sugar moiety that differs from ribose; 2) position 14 as the position of the sugar moiety that differs from ribose; 3) and 4) an RNA nucleobase at position 14; and 5) a phosphate internucleotide linkage at position 14. These elections are appropriate despite that fact that Applicant has not specified a non-RNA nucleobase at any position or a non-phosphate internucleotide linkage at any position. This is evident from claim 32 which specifies that the modified RNA nucleotide at the selected position is selected from a non-RNA nucleobase, a sugar moiety which differs from ribose, and an internucleotide linkage that differs from phosphate, and combinations thereof. Thus, the selected position might have a sugar moiety which differs from ribose, but might NOT have a non-RNA nucleobase or an internucleotide

linkage that differs from phosphate, and combinations thereof. Thus, such a molecule would have a RNA nucleobase at the selected position.

The following claims read on the elected species if position 14 is the only position having a modified RNA nucleotide: 30, 31, 32, 40, 44 and 45. However, Applicant points out that the claims do not restrict the modified RNA nucleotide to a single position (see claim 32). Thus, if position 14 is not the only position having a modified RNA nucleotide, then all of the claims read on the elected species.

The species election with respect to items 3), 4) and 5) is made with traverse. Applicant respectfully requests that the Examiner consider both RNA and non-RNA nucleobases at position 14 and both phosphate and non-phosphate internucleotide linkages at position 14. Applicant makes the request because it will make prosecution more compact, requiring fewer rounds of searching.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing attorney docket no. 22460-0042001.

Respectfully submitted,

Date: 14 December 2010

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